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Cc: [Robert Neely](#); [Eric Blischke/R10/USEPA/US@EPA](#); [Chip Humphrey/R10/USEPA/US@EPA](#); Mary.Baker@noaa.gov; [Rob Clapp](#)
Subject: Comments on ESA section 10 permit application #10021
Date: 09/05/2007 05:11 PM

Mr. McKenna,

As part of the review process for ESA section 10 permit applications, NMFS contacts persons with scientific and management expertise for their views and comments. Although the reviewers will remain anonymous, this email contains a summary of their comments on your application for Permit #10021. It also included the items reviewers were asked to consider when reviewing your application, for your information.

These comments must be addressed in writing to continue processing your application. Please send your responses to Rob Clapp (robert.clapp@noaa.gov) and me via email. If you prefer to send them via regular mail let me know and we will send you the address.

Thank you.

Leslie Schaeffer

Reviewers are asked to consider the following items as they review permit applications.

1. Whether the permit action would further a bona fide and necessary or desirable scientific purpose or enhance the propagation or survival of the ESA-listed species, taking into account the benefits anticipated to be derived on behalf of the ESA-listed species.
2. Whether or not the proposed project is unnecessarily duplicative of other research.
3. Whether alternative non-listed species or populations can and should be used for the research-especially when listed fish are likely to be injured or killed.
4. How the applicants needs, programs, and facilities compare to proposed and ongoing projects.
5. Whether the expertise, facilities, or other resources available to the applicant appear adequate to successfully accomplish the stated objectives.
6. Whether the research design is adequate to answer the questions posed and whether sample sizes are too large or too small.

Comments on the Application for Permit #10021 from the LWG to collect fish for the Portland Harbor Remedial Investigation and Feasibility Study, Round 3.

1. There is a lot of interest in using semi-permeable membrane devices (lipid bags) as surrogate fish in these sorts of studies instead of collecting actual fish tissue. Have you considered using lipid bags?
2. The application states that the purpose of the project is to “fill data gaps” for certain aspects of an ongoing Remedial Investigation/Feasibility Study (RI/FS) at the Portland

Harbor Superfund Site. In fact, the LWG has already collected extensive tissue data. The LWG's Portland Harbor RI/FS Comprehensive Round 2 Site Characterization Summary and Data Gaps Analysis Report does identify various data gaps, but additional tissue samples are not among them. Rather, the report concludes that no further tissue samples are necessary. Further, the application states that the application was prompted by a request from the EPA; however, the EPA has not commented on the report thus such a request for additional tissue samples is not justified or necessary.

3. The application discusses alternate methods of collecting tissues but does not address alternate methods of completing the RI/FS without additional tissue samples. The application should provide an assessment of other options particularly given that the LGW's conclusion in the Portland Harbor RI/FS Comprehensive Round 2 Site Characterization Summary and Data Gaps Analysis Report concludes that no further tissue samples are necessary to complete the RI/FS.